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Attorneys for Lev Aslan Dermen

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

LEV ASLAN DERMEN

Defendant.

**DEFENDANT LEV DERMEN'S
EMERGENCY REQUEST FOR
TEMPORARY FURLOUGH
RELEASE FROM PRETRIAL
DETENTION DUE TO FATHER'S
DETERIORATING HEALTH
CONDITION**

Case No. 2:18-cr-00365-JNP-BCW

Honorable Jill N. Parrish

Defendant Lev Dermen, by and through undersigned counsel, requests this Court's immediate attention and consideration of a temporary furlough release of Mr. Dermen from pretrial detention due to his father's deteriorating health, terminal illness, and limited life expectancy and likely imminent death.

Mr. Dermen's 83-year old father, Gevork Termendzyan's health has recently rapidly declined due to severe emphysema and lung disease. This has caused multiple

recent hospitalizations and a very limited life expectancy according to his treating physician, Dr. Hossein Babaali, M.D. Undersigned counsel is concurrently filing Mr. Gevork Termendzyan's recent medical history, including his treating physician's contact information underseal for the Court's review, and will provide a copy to the United States Probation Office to the attention of Glen Manross, and to government counsel via electronic mail. According to the medical records, Mr. Dermen's father has recently been in and out of the hospital due to acute respiratory failure triggered by COVID-19, chronic obstructive pulmonary disease, hypertension, acute kidney injury, and chronic kidney disease. Mr. Dermen's father is currently having a hard time breathing and has dropping oxygen levels. He has become susceptible to lung disease and has been diagnosed with emphysema. According to the medical records submitted underseal, Mr. Termendzyan is bed ridden and has been placed on an oxygen machine for breathing assistance. His father's life expectancy is currently "very limited" according to his physician. The family is preparing for his death.

Mr. Dermen requests an emergency temporary furlough from this Court to permit him to visit with his father in person, in Los Angeles, California.

Temporary furloughs of prisoners are granted by the Bureau of Prisons and may be facilitated safely. Title 18 U.S.C.A. § 3622, titled Temporary Release of a Prisoner, permits the Bureau of Prisons to release a prisoner from his place of imprisonment for not more than 30 days for the purpose of visiting a relative who is dying or to attend a funeral of a relative, among other reasons. Similarly, Title 28 CFR Section 570.32, states that for 30 calendar days or less a furlough may be authorized for the prisoner to be present during a crisis in the immediate family. This Court has authority to grant Mr. Dermen's request for a temporary furlough, pursuant to 28 CFR Section 551.109, which addresses pretrial inmates, and states that in an emergency, in accordance with the categories set forth in 18 U.S.C. Section 3622, which includes visitation of a dying relative, the pretrial inmate's attorney of record may seek from the Court a decision concerning release from

custody or an escorted trip.

Mr. Dermen's family is prepared to reimburse or advance to the U.S. Marshal's Office any and all costs associated with facilitating the furlough, including travel costs and expenses for a USM escort to and from Salt Lake City, Utah to Los Angeles, California, and electronic monitoring. Due to his elderly father's declining health, he father cannot travel to Utah from California to see Mr. Dermen at the Salt Lake County Jail.

Undersigned counsel is in possession of Mr. Dermen's passport. The passport expired on August 17, 2021. There have been no applications to renew his passport since his detention in this case in August of 2018.

Mr. Dermen's counsel has kept Mr. Glen Manross of the USPO informed of Mr. Dermen's father's declining health, and has provided Mr. Manross with the direct contact information of Mr. Dermen's mother and father. It is our understanding that Mr. Manross has spoken with Mr. Dermen's elderly mother, and has confirmed his father's declining condition and terminal illness. Counsel for Mr. Dermen has also informed the USPO of its intention to request a temporary furlough on Mr. Dermen's behalf.

Lastly, due to the time sensitive nature of this request, specifically because of the recent rapidly declining status of his father's ability to breath and complaints of heart and chest pain, we respectfully request a shortened time for the government's response to this request.

/s/ Mark J. Geragos
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CERTIFICATE OF SERVICE

I hereby certify that I filed a true and correct copy of the foregoing, on the case styled *United States of America v. Lev Aslan Dermen*, this 14th day of June, 2022, with the Clerk of the Court using CM/ECF.

/s/ Mark J. Geragos